

pre



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,222	11/28/2001	Mark R. Thompson	019396-001700US	4107

20350 7590 12/09/2004

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

COULTER, KENNETH R

ART UNIT	PAPER NUMBER
----------	--------------

2141

DATE MAILED: 12/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/002,222

Applicant(s)

THOMPSON ET AL.

Examiner

Kenneth R Coulter

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-16 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-16 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 – 9, 11 – 16, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Shteyn (US 2002/0162109) (Distributed Storage on a P2P Network Architecture).

- 2.1 Regarding claim 1, Shteyn discloses a method of caching data video files comprising:
 - providing a first computer (Abstract; Fig. 3, item 390);
 - providing a second computer (Abstract; Fig. 3, item 330);
 - establishing a peer to peer network relationship between said first computer (STB) and said second computer (STB) (Abstract; Fig. 3; p. 1, paragraph 0004 “The inventor therefore proposes ... a network architecture ... in a **peer-to-peer** network environment.”);

Art Unit: 2141

utilizing a global communication network (the Internet) to establish said peer to peer relationship (p. 1, paragraph 0001 "video-on-demand (VOD), over a data network such as the **Internet**").

conveying a video file from said first computer to said second computer (Abstract; Fig. 3; p. 2, paragraph 0017 "The **content downloaded to local storage** may be registered with look-up service 150 for future distribution within to other end-users in SAN 110."); and

caching said video file at a caching computer (Abstract "Each end-user device has storage capability"; Fig. 3, items 393, 334, 135; p. 1, paragraph 0004; p. 2, paragraph 0017 "The content downloaded to **local storage** may be registered with look-up service 150 for **future distribution** within to other end-users in SAN 110.").

2.2 As per claim 2, Shteyn teaches the method as described in claim 1 wherein said caching said video file comprises:

intercepting a request for said video file sent by a third computer to said first computer (Figs. 2, 3; p. 2, paragraph 0017 "**control system 120** is enabled to instruct software 338 to obtain part(s) of the **requested content** from at least one alternative source, here local storage 393 of an end-user system").

2.3 Regarding claim 3, Shteyn discloses the method as described in claim 1 wherein said caching said video file comprises: caching said video file at a location where said second computer is located (Fig. 3, items 330, 334; p. 2,

Art Unit: 2141

paragraph 0017).

2.4 As per claim 4, Shteyn teaches the method as described in claim 1 and further comprising: receiving a request for said video file at said first computer from a third computer (Fig. 3, items 390, 130; p. 2, paragraph 0017 “control system 120 is enabled to instruct software 338 to obtain part(s) of the **requested content** from at least one alternative source, here local storage 393 of an end-user system”).

2.5 Regarding claim 5, Shteyn discloses the method as described in claim 4 and further comprising: directing said third computer to obtain said video file from said caching computer (Abstract; Fig. 3, item 130; p. 2, paragraph 0017 “The content downloaded to **local storage** may be registered with look-up service 150 for **future distribution** within to other end-users in SAN 110.”).

2.6 As per claim 6, Shteyn teaches the method as described in claim 5 and further comprising: establishing communications between said third computer and said caching computer; and conveying said video file to said third computer (Abstract; Fig. 3; p. 2, paragraph 0017).

2.7 Regarding claim 7, Shteyn discloses the method as described in claim 1 and further comprising:

Art Unit: 2141

providing an intermediate computer to facilitate communications between said first computer and said third computer (Fig. 3, item 330; p. 2, paragraph 0017);

intercepting a request of said third computer for said video file (Figs. 2, 3; p. 2, paragraph 0017 "**control system 120** is enabled to instruct software 338 to obtain part(s) of the **requested content** from at least one alternative source, here local storage 393 of an end-user system").

2.8 As per claim 8, Shteyn teaches the method as described in claim 7 and further comprising: directing said third computer to said caching computer so as to obtain said video file (Abstract; Figs. 2, 3, p. 2, paragraph 0017).

2.9 Regarding claim 9, Shteyn discloses the method as described in claim 7 and further comprising: utilizing said intermediate computer as said caching computer (Fig. 3, items 390, 330, 334, 338; p. 2, paragraph 0017 "The content downloaded to **local storage** may be registered with look-up service 150 for **future distribution** within to other end-users in SAN 110.>").

2.10 Regarding claims 11 – 16 and 18, the rejection of claims 1 – 9 under 35 USC 102(b) (paragraphs 2.1 – 2.9 above) applies fully.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.**

See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

4. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth R Coulter whose telephone number is 571 272-3879. The examiner can normally be reached on 5 4 9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharra can be reached on 571 272-3880. The fax

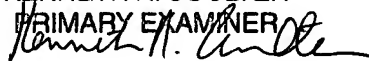
Art Unit: 2141

phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KENNETH R. COULTER

PRIMARY EXAMINER



krc